

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERTO F. ESOTO

**17CV7976**  
CV

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☒ Yes ☐ No

MARIST COLLEGE  
LYN LEFAY DEAN, SUE LAURENCE, CHAIR  
DEBORAH RAINES - COLBERT VP. HR MARIST PRESIDENT

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

RECEIVED  
SDNY PRO SE OFFICE  
2017 OCT 17 AM 11:38  
S.D. OF N.Y.

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

ROBERTO FE SOTO  
 First Name Middle Initial Last Name  
190 FORDHAM ST. # 3  
 Street Address  
THE BLONX NYC NY 10464  
 County, City State Zip Code  
718 8851607 ROBERTOSOTO39@yahoo.com  
 Telephone Number Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: LYN LEPRE DEAN  
 Name  
MARIST COLLEGE 3399 NORTH ROAD  
 Address where defendant may be served  
ROUGA KIEPSE, NEW YORK 12601  
 County, City State Zip Code  
 Defendant 2: SUE LAWRENCE CHAIR  
 Name  
MARIST COLLEGE 3399 N. ROAD  
 Address where defendant may be served  
ROUGA KIEPSE, NEW YORK 12601  
 County, City State Zip Code

Defendant 3:

DEBROAH RAIKES-COLBERT HR VP

Name

MARIST COLLEGE 3389 N. ROAD

Address where defendant may be served

POUGHKEPSIE NY 12601

County, City

State

Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:

MARIST COLLEGE

Name

3389 NORTH ROAD

Address

POUGHKEPSIE NY12601

County, City

State

Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin**

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:HISPANIC☐ color:☐ religion:☐ sex:☒ national origin:CUBA

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: \_\_\_\_\_

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1950

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: RIGHT LEG AND BACK

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

**B. Other Claims**

In addition to my federal claims listed above, I assert claims under:

- ☐ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

\_\_\_\_\_

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☒ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): \_\_\_\_\_

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

FACULTY MEMBERS TOID ME ABOUT THE DISCRIMINATORY  
PRACTICES WHICH OCCUR AT MARIST AND ONE  
INSTRUCTOR WITNESSED THE LACK OF CONSIDERATION  
OF DISRESPECT FIRST HAND - SEE ATTACHED

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

NEAR THE END OF THE SEMESTER I INCURRED SERIOUSLY ILL  
 DUE TO GALLBLADDER INFECTION WHICH REQUIRED EMERGENCY  
 SURGERY. DUE TO THIS CONDITION, I MISSED CLASSES  
 AND THE COLLEGE USED THIS OPPORTUNITY TO NOTIFY ME  
 THAT I WAS NOT TO RETURN TO CLASS UPON MY OPERATION  
 BEING COMPLETED.

FRIENDS OF THE STUDENTS WHOSE GRADES WERE CHALLENGED  
 AND SIGNED UP FOR MY CLASS THE SECOND SEMESTER, EVEN  
 THOUGH THEY WERE NOT MEDIA MAJORS. THEY WILLINGLY  
 SAMOTALED MY LECTURES BY MAKING RUDE REMARKS  
 MULTIPLE TIMES AMONG FAILING TO PRESENT THEIR  
 ASSIGNMENTS WHEN ALL MEMBERS OF THE CLASS  
 WERE TURNING IN THEIR WORK.

THESE STUDENTS ALSO USED PROFANITY AND PARTICIPATED  
 IN CONFRONTATIONS AND DISRUPTIONS INSIDE  
 MY CLASSROOM.

I COMPLAINED TO MARIST OFFICIALS BUT  
 TO NO AVAIL. THEY WANTED ME OUT.

I LIVE IN NYC AND WORK IN BROOKLYN NEW YORK  
 I WAS FIRED AFTER ANOTHER LATINO FACULTY MEMBER WAS ABUSIVELY  
 FIRED BEFORE ME. WHEN I STARTED WORKING I WAS TOLD THAT WITH  
 MY CREDENTIALS I WOULD BE CONSIDERED FOR A PERMANENT POSITION.  
 I AM A HAWAIIAN LATINO SENIOR CITIZEN WHO WAS OFFERED A  
 JOB STARTING IN 9/2015 BY DEAN AND CHAIR WHEN A SENIOR POSITION  
 WAS CREATED AND WAS TOLD I WOULD BE FIRST IN LINE TO FILL A FUTURE TRACK POST  
 I TOOK SPECIAL NOTICE IN THE LACK OF DIVERSITY AND THE BENEFITS, BUT  
 I WAS TOLD I WAS NOT BEING PROFESSIONAL IN THE CLASSROOM WHEN I  
 DISCUSSED THE LACK OF MINORITIES IN MEDIA AS WELL AS IN MAINSTREAM COLLEGE  
 THE HR DEPARTMENT DELAYED MY PARTICIPATION IN THE INCOME SAVINGS  
 PLAN EVEN THOUGH I EXPLAINED THAT I WAS A TIAA RETIRED MEMBER  
 WHILE I WAS AWAY DURING SEMESTER BREAK, THE DEAN DEMANDED  
 I RETURN TO NEW YORK BECAUSE 2 OUT OF 100 STUDENTS HAD  
 CHALLENGED THEIR FINAL GRADES. UPON MY RETURN TO CAMPUS  
 I PERSONALLY EXPLAINED TO THE DEAN AND THE CHAIR WHY  
 THE STUDENTS RECEIVED THE GRADES, BUT THEY WANTED ME TO CHANGE  
 THE GRADES AND I REFUSED

EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Roberto Soto**  
**190 Fordham Street**  
**Apt #3**  
**Bronx, NY 10464**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2016-03524**

**Sarina L. Shaver,**  
**Investigator**

**(212) 336-3776**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Kevin J. Berry*  
 Kevin J. Berry,  
 District Director

**7/26/17**

(Date Mailed)

Enclosures(s)

cc: **Director of Human Resources**  
**MARIST COLLEGE**  
**3399 North Road**  
**Poughkeepsie, NY 12601**

Enclosure with EEOC  
Form 161 (11/16)

## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

### PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

### ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

### ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)